

ENTERED

May 25, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LEGACY FUNERAL GROUP, LLC

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Plaintiff

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§

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vs.

CIVIL ACTION 4:19-cv-04686

LEGACY FUNERAL SERVICES, LLC
DBA LEGACY FUNERAL SERVICES
AKA HERITAGE CREMATION
PROVIDERS

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Defendant

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FINAL CONSENT JUDGMENT AND AGREED INJUNCTION

This cause having come before the Court on the agreed motion of Plaintiff Legacy Funeral Group, LLC (“Texas Legacy”) and Defendant Legacy Funeral Services, LLC d/b/a Legacy Funeral Services aka Heritage Cremation Providers (“Colorado Legacy”), and the Court, without making any findings or ruling, but on the agreement of the parties, it is this 25th day of May, 2022 hereby ORDERED, ADJUDGED and DECREED that:

1. This Court shall have continuing jurisdiction to enforce this Final Consent Judgment and Agreed Injunction, as described below.
2. Defendant has not filed an answer in this case, but hereby submits to the continuing jurisdiction of this Court.
3. Plaintiff, who filed the original action in this case, agrees to the dismissal of its lawsuit with prejudice, subject to the Court’s enforcement of this Final Consent Judgment and Agreed Injunction.

4. Defendant Colorado Legacy, its owners, members, managers, agents, servants, employees, independent contractors, officers, directors, attorneys, subsidiaries and successors and assigns, and those acting in active concert with any of them, be and hereby are immediately and permanently hereafter enjoined as follows:

- a. Colorado Legacy shall not use a tree logo on its website;
- b. Colorado Legacy shall not use the phrase "Legacy Funeral Services", "Legacy Funeral Group" or "Legacy Funeral" on its website, subject to future modification as follows:
 - i. If the Colorado Division of Professions and Occupations or Colorado Office of Funeral Home and Crematory Registration requires that Colorado Legacy provide its full name on its website, then Colorado Legacy may, in the website footer, in font no larger than 10 point, state "Legacy Funeral Services, LLC is headquartered in Colorado and holds Colorado License FH-706." Colorado Legacy may petition the Court for modification of this restriction if any Colorado State agency or the Federal Trade Commission require the words "Legacy Funeral" anywhere else or in any different form on the website.
 - c. Colorado Legacy shall not state or imply to any funeral home, customer, potential customer or other member of the public that it is Texas Legacy, or affiliated in any manner with Texas Legacy; and
 - d. Colorado Legacy shall not state or imply to any funeral home, customer, potential customer or other member of the public that Colorado Legacy is based in Texas.

5. Colorado Legacy may use the phrase "Legacy Cremation Services" in marketing or digital media.

6. The parties will engage in a good-faith effort to resolve any and all allegations of a violation by Colorado Legacy of the terms of this Consent Judgment without Court intervention. In the event Texas Legacy and Colorado Legacy are unable to resolve any alleged violations amongst themselves, Texas Legacy may file a motion or proceeding with this Court alleging such violation and seeking further relief.

7. This Injunction binds Colorado Legacy immediately and permanently. This Injunction may not be dissolved or modified except under extraordinary circumstances as provided by Rule

65(b)(5) of the Federal Rules of Civil Procedure, upon a joint application by Texas Legacy or Colorado Legacy to this Court for relief, or by Colorado Legacy if the conditions described in 4(B)(i) occur. This Court retains exclusive jurisdiction to hear and decide any requests to construe, enforce, modify or dissolve the Injunction, or to hear and decide any disputes otherwise arising from Colorado Legacy's compliance with it.

8. Each party shall bear its own costs and attorneys' fees and no costs or attorneys' fees are awarded to either party.

SIGNED at Houston, Texas this 25th day of May, 2022



Andrew S. Hanen
United States District Judge

AGREED AS TO FORM AND SUBSTANCE:



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